

REMARKS**Summary of the Office Action**

Claims 1, 2, 4-10, 12, 13, 15-17, and 32-34 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Yoneda et al. (US 2001/0026127) in view of Okamoto et al. (US 5,543,685) and Salerno et al. (US 5,661,371).

Claims 18, 19, 21-28, 30, and 31 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Yoneda et al. in view of Salerno et al.

Claims 3 and 14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Yoneda et al. in view of Okamoto et al., Salerno et al., and Shirasaki et al. (US 5,834,894).

Claims 20 and 29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Yoneda et al. in view of Salerno et al. and Shirasaki et al.

Claim 11 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Yoneda et al. in view of Okamoto et al., Salerno et al., and Kanai et al. (US 6,121,727).

The Amendment filed on July 5, 2005 is objected to under 35 U.S.C. § 132(a), as allegedly introducing new matter into the disclosure.

Summary of the Response to the Office Action

Applicants have amended claims 1, 5, 12, 16, 28, 27, and 32-34 to replace the word “encapsulating” with the word “surrounding.” Accordingly, claims 1-34 are pending for further consideration.

Further Search and/or Consideration

Applicants respectfully assert that the minor amendments to independent 1, 5, 12, 16, 28, 27, and 32-34 to replace the word “encapsulating” with the word “surrounding” fails to

rise to the level of raising new issues that require further consideration and/or search.

Specifically, since the Office Action has previously considered Applicants' claimed invention to include use of the term "encapsulating," then Applicants respectfully assert that substituting the term "encapsulating" with the term "surrounding" fails to raise any new issues that may be deemed to require further consideration and/or search by the Examiner.

Thus, Applicants respectfully request entry of this Amendment and Request for Reconsideration since it places the application in better form for Appeal by clearly simplifying the issues for Appeal, i.e., substituting "encapsulating" with "surrounding," and does not raise new issues requiring further consideration and/or search.

New Matter

The Amendment filed on July 5, 2005 is objected to under 35 U.S.C. § 132(a), as allegedly introducing new matter into the disclosure. Specifically, the Office Action alleges that use of the word "encapsulating" is not supported by the original disclosure, and has not been introduced previously into the specification. Applicants respectfully disagree.

Applicants respectfully assert that use of the term "encapsulating," as recited by independent claims 1, 5, 12, 16, 28, 27, and 32-34 for "encapsulating end portions of color filter layer and the black matrix," is clearly supported by at least FIGs. 7, 12, and 14. Specifically, in FIGs. 7, 12, and 14, the planarization layers 406, 706, and 906 encapsulate end portions of the black matrix/color filter layers 402/404, 702/704, and 902/904, respectively. Accordingly, Applicants respectfully assert that use of the term "encapsulating," as used in the complete context of independent claims 1, 5, 12, 16, 28, 27, and 32-34, does not give "a different meaning to the planarization layer," as alleged by the Office Action.

However, for purposes of alleviating the apparent discomfort for using the term “encapsulating,” and to place the application in better form for appeal, Applicants have amended independent claims 1, 5, 12, 16, 28, 27, and 32-34 to recite “a planarization layer *surrounding* end portions of the color filter layer and the black matrix” (emphasis added). Accordingly, Applicants respectfully assert that use of the term “surrounding” is clearly supported by the originally-filed specification, especially with regard to the features shown in at least FIGs. 7, 12, and 14.

If the Examiner maintains that use of the term “surrounding” is still unacceptable for language to describe the relative disposition of the planarization layer, color filter layer, and black matrix, Applicants respectfully request the Examiner to contact the undersigned representative to discuss optional language.

All Claims Define Allowable Subject Matter

Claims 1, 2, 4-10, 12, 13, 15-17, and 32-34 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Yoneda et al. (US 2001/0026127) in view of Okamoto et al. (US 5,543,685) and Salerno et al. (US 5,661,371), claims 18, 19, 21-28, 30, and 31 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Yoneda et al. in view of Salerno et al., claims 3 and 14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Yoneda et al. in view of Okamoto et al., Salerno et al., and Shirasaki et al. (US 5,834,894), claims 20 and 29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Yoneda et al. in view of Salerno et al. and Shirasaki et al., and claim 11 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Yoneda et al. in view of Okamoto et al., Salerno et al., and Kanai et al. (US 6,121,727). Applicants respectfully traverse these rejections on grounds that none of

the applied references, whether taken singly or combined, teach or suggest the combination of features recited by independent claims 1, 12, 18, 27, and 32-34.

The Office Action acknowledges that “Yoneda et al. (‘127) are silent regarding the limitation of a planarization layer encapsulating end portions of the color filter layer and the black matrix.” Accordingly, the Office Action apparently relies upon Salerno et al. for allegedly teaching “a planarization layer (1038; figure 25E; column 28 line 64 to column 29 line 26) encapsulating end portions of the color filter layer (1034) and the black matrix 91036; labeled in figure 25D) in order to form a high quality display.” Thus, the Office Action concludes that it would have been obvious to combine Yoneda et al. and Salerno et al. “to provide a higher quality display and to protect the electrodes and filters.” Applicants respectfully disagree.

First, Applicants respectfully assert that Salerno et al. fails to teach or suggest anything regarding a planarization layer “surrounding end portions of the color filter layer and black matrix,” as required by independent claims 1, 12, 18, 27, and 32-34. Specifically, Salerno et al. merely teaches forming a thin optically transparent layer 1038 over each pixel element. Accordingly, as clearly shown in FIG. 25E, the thin optically transparent layer 1038 fails to surround end portions of the color filter element 1034. Thus, Applicants respectfully assert that Salerno et al. fails to teach or suggest anything close to resembling “a planarization layer surrounding end portions of the color filter layer and the black matrix,” as required by independent claims 1, 12, 18, 27, and 32-34.

Second, assuming *arguendo*, that Salerno et al. does teach Applicants’ claimed planarization layer, Applicants respectfully assert that the Office Action fails to establish a

prima facie case of obviousness with regard to independent claims 1, 12, 18, 27, and 32-34.

Specifically, Applicants respectfully assert that Salerno et al. is completely silent with regard to forming a planarization layer surrounding end portions of a color filter layer and a black matrix “to provide a higher quality display and to protect the electrodes and filters,” as alleged by the Office Action as being the motivation with which to combine Salerno et al. with Yoneda et al. Accordingly, as set forth by MPEP 2143.01, “[t]he mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. In re Mills, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990).” Thus, Applicants respectfully submit that since both Salerno et al. and Yoneda et al., whether taken singly or combined, fail to teach or suggest forming a planarization layer surrounding end portions of a color filter layer and a black matrix to provide a higher quality display and to protect the electrodes and filters, then Salerno et al. and Yoneda et al., whether taken singly or combined, fail to provide motivation with which to arrive at Applicant’s invention as recite by independent claims 1, 12, 18, 27, and 32-34.

Third, Applicants respectfully assert that none of Okamoto et al., Shirasaki et al., and Kanai et al., whether taken singly or combined, can remedy the deficiencies of Yoneda et al. and Salerno et al., whether taken individually or in combination. Specifically, since all of Okamoto et al., Shirasaki et al., and Kanai et al., whether taken singly or combined, fail to teach or suggest forming a planarization layer surrounding end portions of a color filter layer and a black matrix, then none of Okamoto et al., Shirasaki et al., and Kanai et al., whether

taken singly or combined, can be combined with Yoneda et al. and Salerno et al. to arrive at Applicants' invention recited by independent claims 1, 12, 18, 27, and 32-34.

For at least the above reasons, Applicants respectfully assert that claims 1-34 are neither taught nor suggested by the applied prior art references, whether taken alone or in combination. Thus, Applicants respectfully assert that the rejections under 35 U.S.C. §§ 102(e) and 103(a) should be withdrawn because the above-discussed novel combination of features are neither taught nor suggested by any of the applied references.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully request the reconsideration and the timely allowance of the pending claims. Should the Examiner believe that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution.


If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of

time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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